

REMARKS

The previous Office Action was a Final Office Action. In response to the Final Office Action, Applicant submitted after final claim amendments on 13 November 2003. Initially, the Examiner refused to enter the claim amendments. However, after a phone interview (18 December 2003), the Examiner agreed to withdraw the Finality of the Office action and issue a new Office Action.

The currently pending Office Action does not explicitly indicate that the after final claim amendments were entered into the record. However, the rejections appear to be based on the claims submitted to the PTO on 13 November 2003. Therefore, the amendments and arguments of this response are based on the claims submitted to the PTO on 13 November 2003. Applicant respectfully requests the Examiner formally confirm that the claims of record include the current amendments as well as the amendments submitted on 13 November 2003.

§102 Rejection

The Examiner rejected claims 1, 8, 13, 18, and 21 as anticipated under 35 U.S.C. §102(e) by U.S. Patent No. 6,272,356 to Dolman et al., herein referred to as Dolman. As amended, claim 1 includes, *inter alia*, "a hinge connecting said body to said flip portion, said hinge comprising hinge plates, wherein said hinge plates function as an antenna for use by an electronic circuit positioned within said mobile terminal." Support for this amendment may be found at least on page 9, line 20, and in Figures 4 and 5. Therefore, as described in the pending application and claimed in independent claim 1, the hinge plates function as the antenna.

In direct contrast, Dolman teaches an electrically conductive spring (48) that serves as the antenna. The conductive spring is disposed within an internal chamber 47 of a hinge 46 (column 5, lines 36-40). Because only the spring 48 of Dolman functions as the antenna, Dolman cannot anticipate hinge plates that function as the antenna. Therefore, Dolman cannot anticipate amended claim 1.

Independent claims 13 and 21, as amended, both include the limitation that the hinge plates function as the antenna. Therefore, for substantially the same reasons, Dolman cannot anticipate claims 13 and 21. As such, independent claims 1, 13, and 21 are allowable over Dolman.

Because claims 8 and 18 depend from allowable claims 1 and 13, respectively, claims 8 and 18 are also allowable over Dolman. Therefore, Applicant respectfully requests reconsideration of claims 1, 8, 13, 18, and 21.

§103 Rejections

The Examiner also rejected claims 3-5, 9-12, and 15-17 under 35 U.S.C. §103(a) as unpatentable over Dolman. Further, the Examiner rejected claims 1, 6-7, 22-24 under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 5,930,353 to Lee et al. in view of Dolman. Because Dolman was filed 10 May 1999, and issued 7 August 2001, Dolman is a §102(e) reference. However, Applicant notes that Dolman is assigned to Ericsson Inc., while the pending application is assigned to Telefonaktiebolaget L.M. Ericsson. Applicant further notes that Telefonaktiebolaget L.M. Ericsson owns 100% of Ericsson Inc. As such, Applicants hereby state that the pending application and Dolman were, at the time the invention described in the pending application was made,

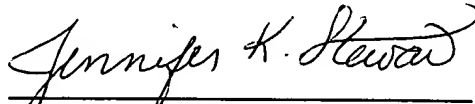
commonly owned by Telefonaktiebolaget LM Ericsson. Therefore, under §103(c), Dolman cannot be used as prior art for an obviousness rejection against the claims of the pending application.

Because Dolman has been disqualified as prior art for a §103 rejection, the obviousness rejections cited against the pending claims are rendered moot. As a result, claims 1, 3-7, 9-12, 15-17, and 22-24 are patentably distinct from the cited art. Applicant respectfully requests reconsideration and allowance of claims 1, 3-7, 9-12, 15-17, and 22-24.

Because of the arguments and amendments presented above, the claims as amended are patentably distinct from the cited art and stand in condition for allowance. Therefore, Applicant respectfully requests the Examiner reconsider the rejections and permit the application to move forward to allowance. If any issues remain unresolved, Applicant requests the Examiner call the undersigned so that such issues may be expeditiously resolved.

Respectfully submitted,

COATS & BENNETT, P.L.L.C.



Jennifer K. Stewart

Registration No.: 53,639

Dated: April 26, 2004

P.O. Box 5
Raleigh, NC 27602
Telephone: (919) 854-1844